

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

GINA TRAHEY,

Plaintiff,

v.

CASE NO.:

GRAND STRAND REGIONAL
MEDICAL CENTER/HCA
HEALTHCARE, INC./PARALLON, and
CYNTHIA HILTON,

Defendants.

NOTICE OF REMOVAL

COME NOW Defendants Grand Strand Regional Medical Center/HCA Healthcare, Inc./Parallon, and Cynthia Hilton (hereinafter collectively referred to as “Defendants”) and, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby remove this action from the Horry County, South Carolina Court of Common Pleas to the United States District Court for the District of South Carolina, Florence Division. As grounds for removal, Defendants show the following:

Plaintiff commenced this action against Defendants as styled above in the Horry County Court of Common Pleas, Fifteenth Judicial Circuit, South Carolina, on April 6, 2022, where it is pending as Case No. 2022-CP-26-02127. Plaintiff subsequently filed an Amended Complaint on April 8, 2022. Neither the Complaint nor the Amended Complaint were served. Plaintiff filed a Second Amended Complaint on April 11, 2022. (*See* Exhibit 1 – Copies of Documents and

Pleadings on File with the Horry County Court of Common Pleas Purported to be Served Upon Defendants).

Plaintiff purported to serve the Second Amended Complaint upon Defendant Grand Strand Regional Medical Center/HCA Healthcare, Inc./Parallon via certified U.S. mail upon its registered agent for service of process on April 18, 2021. (*See* Exhibit 1.) Plaintiff also purported to serve the Second Amended Complaint upon Defendant Cynthia Hilton on April 22, 2022. Defendants' Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b), as Defendants are filing it within 30 days of "receipt by defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based."

Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a). The events asserted by Plaintiff giving rise to his claims allegedly occurred in Horry County, South Carolina, and Plaintiff filed her Complaint in the Horry County Court of Common Pleas, South Carolina. Accordingly, venue properly lies in the United States District Court for the District of South Carolina, Florence Division as the District and Division encompassing the Horry County Court of Common Pleas.

In accordance with 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served on Defendants are attached hereto as Exhibit 1, along with additional pleadings not yet served but on file with the Clerk of Court as of the time of this filing.

In accordance with 28 U.S.C. § 1446(d), Defendants will promptly give written notice of the filing of this Notice of Removal to Plaintiff, the only adverse party, and will also file a Notice of Filing this Notice of Removal with the Horry County Court of Common Pleas, a copy of which is attached hereto as Exhibit 2.

Federal Question Jurisdiction and Supplemental Jurisdiction

This action is properly removable to federal court pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367 because Plaintiff's Complaint presents a federal question and state law claims that are directly related to the claim presenting a federal question. Plaintiff alleges violations of 42 U.S.C. § 1981. This claim is a cause of action arising under the Constitution, laws, or treaties of the United States over which this Court has original federal question jurisdiction. Plaintiff also alleges wrongful termination in violation of public policy and negligent supervision of an employee claims against Defendant Grand Strand Regional Medical Center/HCA Healthcare, Inc./Parallon. Plaintiff further alleges tortious interference with a contract, slander/libel, and intentional infliction of emotional distress against Defendant Cynthia Hilton. The Court may exercise supplemental jurisdiction over all remaining pendent claims.

Therefore, removal is appropriate pursuant to 28 U.S.C. §§ 1331, 1367 and 1441.

WHEREFORE, on the basis of the foregoing, Defendants respectfully submit that removal of this action from the Horry County Court of Common Pleas, Fifteenth Judicial District, South Carolina, to this Court is proper, and Defendant accordingly removes the civil action to this Court.

Dated this the 17th day May, 2022.

Respectfully submitted,

s/ Wade E. Ballard

Wade E. Ballard

Federal ID No. 1180

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Attorneys for Defendants

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CERTIFICATE OF SERVICE

I, Wade E. Ballard, hereby certify that a copy of the **NOTICE OF REMOVAL** has been served upon Plaintiff by placing a copy of the same in the United States Mail, certified mail – return receipt requested, with the correct amount of postage affixed thereon and properly addressed to:

Bonnie Travaglio Hunt
Hunt Law LLC
Post Office Box 1845
Goose Creek, SC 29445

Attorney for Plaintiff

Dated this the 17th day of May, 2022.

s/ Wade E. Ballard

Wade E. Ballard

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